

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

|                          |   |                       |
|--------------------------|---|-----------------------|
| UNITED STATES OF AMERICA | § |                       |
|                          | § |                       |
| V.                       | § | CRIMINAL NO. 6:07CR57 |
|                          | § | (Judge Davis)         |
| MICHAEL LAYNE SMITH (01) | § |                       |


**FACTUAL RESUME**

IT IS HEREBY STIPULATED by MICHAEL LAYNE SMITH, Defendant herein, that the following facts are true and correct, and that Defendant understands and agrees, with the express consent of counsel, Ken Hawk, that this factual resume may be used by the Court to determine whether his plea is voluntary and knowing and by the probation officer and Court to determine an appropriate sentence for the offense to which he is pleading guilty:

1. On occasions during the time frame alleged in Count 1 of the Indictment, I agreed with numerous other persons, some of whom are co-defendants in the Indictment, to acquire and distribute methamphetamine in the Eastern District of Texas and elsewhere.
2. I admit that I distributed and/or joined with others in distributing at least 500 grams but less than 1.5 kilograms of a mixture or substance containing a detectable amount of methamphetamine.
3. I agree that my relevant conduct within the conspiracy is a guideline level 32.
4. I knew that my conduct was unlawful and I willfully participated in the distribution.

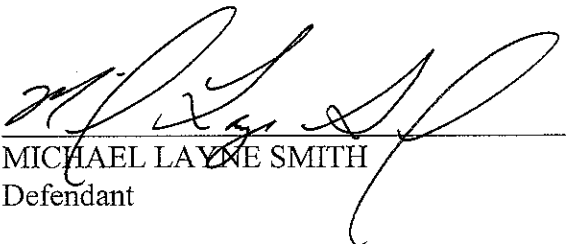
I have read this Factual Resume and the Plea Agreement in this matter and have reviewed them with my client. Based upon my discussions with Defendant, I am satisfied that he understands the terms and effects of the Factual Resume and the Plea Agreement and is signed this Factual Resume voluntarily.

Dated: 11-19-07

  
KEN HAWK  
Attorney for Defendant

I have read (or had read to me) the Factual Resume and have carefully reviewed every part of it with my attorney. I fully understand and voluntarily agree to it.

Dated: 11-19-07

  
MICHAEL LAYNE SMITH  
Defendant